



UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DEC -4 2002

Paper No. 10

In re Application of : DECISION ON PETITION
Don Stephan :
Application No. 09/661,930 :
Filed: September 14, 2000 :
Attorney Docket No. 10512.103US01 :

This is a decision on the petition filed on October 16, 2002 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated October 3, 2001. No fee is required for the petition.

The petition is granted.

Petitioner alleges that the application was not abandoned, because a timely reply to the Office letter in question was in fact filed. Petitioner supports this allegation by furnishing a copy of the reply and a copy of the extension of time filed concurrently therewith. The papers have affixed thereto a 37 CFR 1.8(a) certificate of mailing dated January 23, 2002, within the period set in the Office letter in question for reply thereto, as extended. This showing clearly establishes that a reply to the Office letter in question was timely filed, and that the application was not abandoned. See 37 CFR 1.8(b). In addition, petitioners have supplied a copy of a filing receipt for the above mentioned papers which shows that they were actually received in the Office on February 7, 2002. Office financial records confirm receipt of the extension fee.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on February 7, 2002, certificate of mailing date January 23, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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